

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:11CR182
	§	
BONNIE JANE PURCELLA (6)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 14, 2018, to determine whether Defendant violated her supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Marisa Miller.

Bonnie Jane Purcella was sentenced on August 9, 2012, before the Honorable Richard A. Schell of the Eastern District of Texas, after pleading guilty to the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine, a Class B felony. This offense carried a statutory maximum imprisonment term of not less than five (5) years or more than forty (40) years. The guideline imprisonment range based on a total offense level of 21 and a criminal history category of I, was 37 to 46 months. Bonnie Jane Purcella was subsequently sentenced to 37 months imprisonment followed by a five (5) year term of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug aftercare, mental health aftercare, and a \$100 special assessment fee. On February 11, 2014, Bonnie Jane Purcella completed her period of imprisonment and began service of the supervision term. On October 6, 2014, this case was reassigned to the Honorable Marcia A. Crone, United States District Judge for the Eastern District of Texas.

On November 2, 2017, the United States Probation Officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision [Dkt.271 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; and (4) Defendant shall not commit another federal, state, or local crime.

The Petition alleges that Defendant committed the following acts: (1) On October 11, 2017, Ms. Purcella submitted a urine specimen, which tested positive for methamphetamine. The test results were confirmed by Alere Laboratory in in a Lab Interpreter Letter on October 23, 2017; (2) On May 9, 2017, Ms. Purcella submitted a urine specimen, which tested positive for methamphetamine. Defendant signed a written admission form confirming her illicit drug use. On February 27, 2017, Ms. Purcella submitted a urine specimen, which tested positive for methamphetamine. The test results were confirmed by Alere Laboratory. On January 24, 2017, Ms. Purcella submitted a urine specimen, which tested positive for methamphetamine. Defendant signed a written admission form confirming her illicit drug use. On December 29, 2014, Ms. Purcella submitted a urine specimen, which tested positive for methamphetamine. The test results were confirmed by Alere Laboratory; (3) When confronted about the positive drug tests submitted on December 29, 2014; January 24, 2017; and February 27, 2017, Ms. Purcella verbally admitted being present at various locations in the community where individuals were using illegal drugs, and to being a willing participant in those activities; and (4) On September 24, 2014, Ms. Purcella

was arrested by the Paris, Texas Police Department for the Class C Misdemeanor offense of Theft Under \$50, in violation of Texas Penal Code Sec. 31.03(b)(1). Police reports indicate the Defendant was detained after Wal-Mart employees observed her shoplifting items and passing all points of sale. A search of Ms. Purcella's clothing was conducted and officers recovered a stolen box of Clear Eyes, Olyoxide mouth rinse, Equate Orasol gel, and a Dr. Pepper. On September 25, 2014, the Defendant entered a plea of Nolo Contendere, in Paris Municipal Court Cause No. PMC9029025-4050-0, and was assessed total costs and fines of \$300.00.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations one (1) and two (2) of the allegations of the Petition. The Government dismissed allegations three (3) and four (4). Having considered the Petition and the plea of true to allegations one (1) and two (2) of the Petition, the Court finds that Defendant did violate her conditions of supervised release.

Defendant waived her right to allocate before the District Judge and her right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that she be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months of imprisonment with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons Women's facility in Carswell, Texas, if appropriate.

SIGNED this 14th day of March, 2018.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE